

**JUL 10 2003**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON  
U.S. COURT OF APPEALS**

THE WALT DISNEY COMPANY, a  
Delaware corporation, et al.,

Plaintiffs - Appellants,

v.

AMERICAN CASUALTY COMPANY OF  
READING, PENNSYLVANIA,

Defendant - Appellee.

No. 02-55261

D.C. No. CV-00-08977-WJR

ORDER

Before: MESKILL,\* FERGUSON, and BERZON, Circuit Judges.

The memorandum disposition filed May 14, 2003, is amended as follows:

The last line of the disposition which read:

We reverse the decision of the District Court and remand for further proceedings on the question of whether ACC can show that the claim falls within one of the Policy's specific exclusions. *See id.*

is amended to read as follows:

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\* The Honorable Thomas Meskill, Senior United States Circuit Judge for the Second Circuit, sitting by designation.

We reverse the decision of the District Court and remand to permit ACC to litigate any defense not resolved by the summary judgment motion.

Appellee's motion to file a reply brief in support of the petition for rehearing and rehearing en banc is granted.

The panel has voted unanimously to deny appellee's petition for rehearing. Judge Berzon has voted to deny the petition for rehearing en banc, and Judges Ferguson and Meskill recommended the same.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed.R.App.P. 35(b).

The petitions for rehearing and rehearing en banc are DENIED.